

Delta-Smelt cases – Judge Wanger's court

Bio-Op deadline – decided on May 4, 2011

- On May 4th Judge Wanger granted the Defendant's motion to amend the judgment in regards to the BiOp schedule. The defendants claimed that there was no way for them to complete the new BiOp, RPA, and NEPA compliance by the previous October 1, 2011 deadline.
- The defendants had hoped for an extension to May 1, 2014, but Judge Wanger set the new deadline to December 1, 2013 with a draft BiOp to be completed by October 1, 2011

Amended Final Decision – May 18, 2011

P's Case Management May 19, 2011

- Plaintiffs wish to maintain the status quo. They are requesting that Judge Wagner rule upon the issue of the location of the fall X2 which is scheduled for implementation on September 1, 2011

Defendant's response – May 31, 2011– has there been a decision on this?

- They believe the judge should hear this issue now, but that he probably does not have jurisdiction to make a decision since the Intervenor has already brought this issue to the 9th Circuit on appeal.

Response to this:

- On June 20th the hearing for the jurisdictional issues was held
- The Court will reserve 7/26-29 for hearing on Preliminary Injunction
- As of now we are not aware of any decision being made on the jurisdictional issues.

Salmon cases

- There are no new developments

DOI cutback – Judge Wanger

- The department of the interior decided to cut back on water deliveries for the Central Valley for 14 days, starting June 8th, due to the fact that large numbers of fall run Chinook Salmon are getting caught in the pumps.
- The San Luis and Delta Mendota Water Authority filed suit asking the federal court for a temporary restraining order to stop the reduction of water supplies stating the reduction is a violation of federal law. They also pointed to the fact that this species of salmon is not even endangered.
- Judge Wanger, sided with the federal government and pointed to the fact that the Central Valley Project Improvement Act says the Bureau of Reclamation must protect all fish, not just endangered species.
 - Furthermore, for the entire year the recipients of the water deliveries are still receiving 80% of their project supplies.

Tehama-Colusa – Judge Wanger's

- A group of Sacramento Valley water districts is claiming that they should get their entire federal water allotment before any water goes to the San Joaquin Valley. They claim they have repeatedly received less than their full allocation
- The Tehama-Colusa Canal Authority bases their claim on the "area of origin" law in the water code. The law allows property owners, cities and other entities in counties where the rivers originate to get preferential water allocation for development and other uses.
- Waiting on final decision

Levee Tree-Removal Policy

- Suit was filed in federal court on June 20th against the US Army Corps of Engineers by a coalition comprised of Friends of the River, Center for Biological Diversity, and the Defenders of Wildlife, to prevent them from enforcing a policy that would lead to millions of trees surrounding levees in California being cut down.
- The Army Corps policy is part of a nationwide strategy to improve levee maintenance. They state that only short grasses are allowed near and on levees, arguing among other things, that trees can be blown down in storms thus threatening the structure of the levees.
- The coalition, however, has pointed out there has been no environmental studies on this, and the opposite might be true – that taking down the trees could actually hurt rather than help the levees.

60 day Notice

- A 60 day notice of suit was sent to the Bureau of Reclamation and several large agricultural irrigators for violation of the Clean Water Act by a coalition comprised of the Pacific Coast Federation of Fisherman Associations, Friends of the River, California Sportfishing Protection Alliance, and the Crab Boat Owners Association.
- In March the EPA agreed to allow toxic discharge runoffs into the San Joaquin River to continue for another 10 years. The levels of selenium and other toxins that end up in the river from these runoffs have over the past few decades led to severe deformation of birds and it seriously threatens drinking water quality.
- The coalition wishes for the enforcement of water quality standards and the restoration of the Bay-Delta Estuary.